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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

DISABILITY RIGHTS OREGON,
METROPOLITAN PUBLIC DEFENDER
SERVICES INC., and A.J. MADISON,

Case No. 3:02-cv-00339-MO (Lead Case)
Case No. 3:21-cv-01637-MO (Member Case)
Case No. 6:22-cv-01460-MO (Member Case)

Plaintiffs,

vs.

JAMES SCHROEDER, in his official capacity as head of the Oregon Health Authority, and DOLORES MATTEUCCI, in her official capacity as Superintendent of the Oregon State Hospital,

Defendants,

and

LEGACY EMANUEL HOSPITAL & HEALTH CENTER d/b/a UNITY CENTER FOR BEHAVIORAL HEALTH; LEGACY

PLAINTIFFS' PROPOSED AMENDMENTS TO SEPTEMBER ORDER REGARDING TRANSPORTATION FROM THE STATE HOSPITAL

HEALTH SYSTEM; PEACEHEALTH; and
PROVIDENCE HEALTH & SERVICES,

Intervenors.

JAROD BOWMAN, JOSHAWN
DOUGLAS-SIMPSON,

Plaintiffs,

DOLORES MATTEUCCI, Superintendent of
the Oregon State Hospital, in her individual
and official capacity, JAMES SCHROEDER,
Direction of the Oregon Health Authority, in
his official capacity, and PATRICK ALLEN
in his individual capacity,

Defendants,

and

LEGACY EMANUEL HOSPITAL &
HEALTH CENTER d/b/a UNITY CENTER
FOR BEHAVIORAL HEALTH; LEGACY
HEALTH SYSTEM; PEACEHEALTH; and
PROVIDENCE HEALTH & SERVICES
OREGON,

Plaintiffs,

vs.

JAMES SCHROEDER, in his official
capacity as Director of Oregon Health
Authority,

Defendant.

Case No. 3:21-cv-01637-MO (Member Case)

Case No. 6:22-cv-01460-MO (Member Case)

LR 7-1 CERTIFICATION

The parties and amici conferred extensively regarding this proposed language as ordered by the Court and required by LR 7-1. The Defendants do not oppose this language. Amici counties do oppose this language.

PROPOSED MODIFICATION

Pursuant to the Court's Order of March 31, 2023 (Dkt. No. 368), Plaintiffs submit the following proposed amendment to paragraph (3)(d) (edits underlined):

Before a patient reaches this maximum duration of commitment for restoration under this Order and remains unfit to proceed, OSH shall notify the committing court of the patient's impending discharge 60 days before the date on which the hospital is required to discharge the patient pursuant to this Order. The Sheriff's Office/Department in the committing jurisdiction shall transport and return the patient to the jail upon notification from OSH that the patient is ready for discharge, except that, where the patient and the committing jurisdiction agree, the Sheriff's Office in the committing jurisdiction will transport the patient to from OSH to another appropriate place. If there is a conflict between this order and the committing jurisdiction, the Supremacy Clause establishes this order takes precedence over any state court order pursuant to Article VI, paragraph 2 of the US Constitution.

And the following amendments to paragraph (3)(f):

No later than March 15, 2023, patients currently admitted at OSH who have exceeded the length of restoration set forth in this Order shall be discharged from their restoration commitment and from the hospital. The Sheriff's Office/Department in the committing jurisdiction shall transport and return the patient to the jail upon notification from OSH that the patient is ready for discharge except that, where the patient and the committing jurisdiction agree, the Sheriff's Office in the committing jurisdiction will transport the patient to from OSH to another appropriate place. If there is a conflict between this order and the committing jurisdiction, the Supremacy Clause establishes this order takes precedence over any state court order pursuant to Article VI, paragraph 2 of the US Constitution.

Plaintiffs rely upon their original motion to support this requested amendment which lays out why the county sheriffs for all practical purposes are the most appropriate

entity to transport patients from the hospital. Their participation is necessary to effectuate the remedial order issued by this Court, which the Court has already found is the least restrictive means of enforcing its injunction.

DATED this 9th day of March, 2023.

LEVI MERRITHEW HORST PC

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DISABILITY RIGHTS OREGON

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